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06/27/2003

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LUTZ 2 00209

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07/18/2008

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EXAMINER

MAIS, MARK A

ART UNIT

PAPER NUMBER

2619

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on July 2, 2008 have been fully considered but they are not persuasive.
2. Applicants argue, apparently, that the rejection of claims 1-19 does not take Applicants' Figure 4 into consideration [See Applicants' Request for Reconsideration dated July 2, 2008, page 2, paragraph 4]. Applicants also argue, apparently, that half-call contexts, as claimed, must be interpreted as containing two (2) terminating points in only one media gateway [See Applicants' Request for Reconsideration dated July 2, 2008, page 2, paragraph 4].
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., incorporating Figure 4 into the claims; half-call contexts contain two (2) terminating points in only one media gateway) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. If Applicants are arguing that a "half call context" requires more than what is disclosed in Bjelland et al., the examiner does not see such a limitation in the claims. Accordingly, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general

allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

5. Applicants argue, apparently, that Bjelland et al. fails to disclose receiving the first half of a call from a sender and transmitting the second half of a call to a receiver [**See Applicants' Request for Reconsideration dated July 2, 2008, page 3, paragraphs 2-3**]. Applicants also argue (1) that Bjelland et al. is capable of only communicating between the user plane and the control plane; and (2) that Bjelland et al. is not capable of receiving the first half of a call from a sender and transmitting the second half of a call to a receiver [**See Applicants' Request for Reconsideration dated July 2, 2008, page 3, paragraphs 2-3**].

6. As noted in the rejection of claim 1, Bjelland et al. discloses that Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection (within Gateway 410) to Gateway 412 [**Fig. 4**]. Bjelland et al. further discloses that Gateway 412 establishes a call context from the connection to Gateway 410 (within Gateway 412) and the terminating call connected to node 404 [**Fig. 4**].

7. Applicants argue that using two controllers precludes a half call context [**See Applicants' Request for Reconsideration dated July 2, 2008, page 3, paragraph 4**].

8. If Applicants are arguing that two media gateways involved on the originating side and the terminating side are controlled by only one media gateway controller—and that the media gateway controller has plural control applications—such a limitation is not seen in the claims.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two media gateways involved on the originating side and the terminating side are controlled by only one media gateway controller—and that the media gateway controller has plural control applications) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Applicants state that the recited steps in claim 1 must be performed by Bjelland et al. in the identical order [See Applicants' Request for Reconsideration dated July 2, 2008, page 3, paragraph 4]. Applicants argue, apparently, that although Bjelland et al. performs all the steps recited in claim 1, that the multiple steps are not performed in the same order as claim 1.

11. First, Applicants' arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claim presents in view of the state of the art disclosed by the references cited or the objections made. Further, Applicants do not show how the claim avoids such references or objections. Specifically, Applicants have not disclosed what steps are out of order.

12. Second, the claim, as written, uses the "comprising" claim structure. Thus, without fixing each claimed step temporally, multiple steps may be interpreted as being performed simultaneously or even out-of-order relative to the order presented in the claim.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. MAIS whose telephone number is (571)272-3138. The examiner can normally be reached on M-Th 5am-4pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 10, 2008

/Mark A. Mais/
Examiner, Art Unit 2619

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2619
7/16/08